

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4625 of 2005

Between:

J.V. Narayana Rao, S/o. Late J. Satyanarayana, Hindu,
R/o. Vatluru, West Godavari District.

..... PETITIONER

AND

- 1 Deputy Superintendent of Police, Eluru, West Godavari District.
- 2 Sub Inspector of Police, Pedapadu Police Station, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more fully one in the nature of Writ of Mandamus directing the respondents and their other officers not to interfere with life and living of the petitioner and any of his family member by calling to the police stations, office of the respondents under the guise of investigation into Crime No. 120/2003 on the file of Pedapadu Police Station, West Godavari District or otherwise by declaring the action of respondents in doing so as illegal, arbitrary and unauthorised and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.K.SESHARAJYAM

Counsel for the Respondent Nos1 & 2.: G.P. FOR HOME

The Court at the stage of admission made the following:

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a direction to the respondents and their other officers not to interfere with the life and liberty of the petitioner and his other family members by calling them to the Police Stations or the office of the respondents under the guise of investigation in connection with Crime No.120 of 2003 of Pedapadu Police Station, West Godavari District.

3. It is the contention of the learned Counsel for the petitioner that originally one lady by name K.Ratna Kumari gave a complaint to the second respondent-the Sub-Inspector of Police, Pedapadu Police Station, against the son of the petitioner and she has also implicated the petitioner and his other family members in the said complaint. The same was registered as a case in Crime No.120 of 2003 of Pedapadu Police Station. Subsequently, the petitioner, being the

father of the alleged prime accused, appeared before the first respondent-the Deputy Superintendent of Police and explained him about the whole situation. The police, after conducting a thorough enquiry, eliminated the names of petitioner and his other family members, except his son from the said complaint. The complaint against the petitioner and his other family members was for the alleged offences permissible under Section 342 read with 34 of I.P.C. According to the petitioner,

a case against the petitioner and his other family members, except the son of the petitioner who is alleged to be the prime accused in the case, was deleted as per the orders of the Superintendent of Police, West Godavari, Eluru, dated 14-06-2004, basing on the report of the LW17, Sri M.Ashok Vardhan Reddy, the S.D.P.O., Eluru, dated 05-03-2004 and further investigation into the rest of the case is still going on.

4. No doubt, the respondents have been harassing the petitioner and his other family members frequently by calling them to the police station under the guise of further investigation and making them to sit unnecessarily for long hours.

5. Obviously, though there was initially a complaint against the petitioner and his other family members, the same was subsequently deleted against them after conducting the enquiry. In such an event, on the pretext of further enquiry, that too, when the complaint is pending only against the son of the petitioner against whom a charge sheet had been filed, the petitioner or his other family members shall not be subjected to harassment unnecessarily.

6. It is further not discernible as to why the respondents want to

proceed with further enquiry against the petitioner and his other family members (other than the alleged prime accused).

7. In fact, in this connection, a petition for further enquiry has also been filed before the Magistrate concerned and the same is still pending. Till such time, even further enquiry also cannot be taken up for the simple reason that the charge sheet had already been filed against the son of the petitioner only. Only in the special circumstances, where it could be demonstrated that further enquiry is essential, the same can be sought for by the respondents and can be ordered by the Magistrate. In such an event alone, further enquiry can be taken up. No such further enquiry/investigation has been ordered in this case.

8. For the foregoing reasons, I am of the considered view that, under the guise of so-called further enquiry, the petitioner or his other family members, shall not be unnecessarily subjected to harassment.

9. As could be seen from the affidavit filed in support of the writ petition, it is further clear that the petitioner and his other family members have given an undertaking to the police that as and when their presence is required in connection with the investigation, they would certainly appear before the investigating agency and extend their fullest cooperation. But, it is on record that the investigation was over, and the petition for further investigation is still pending before a Court below.

10. Even otherwise, the respondents are not expected to unnecessarily harass the petitioner or his other family members as complained of.

11. The writ petition is disposed of with the following direction, at the stage of admission:-

“Having regard to the facts and circumstances of the case, the respondents are directed not to harass the petitioner any longer by calling him or his family members to the Pedapadu Police Station, West Godavari District in connection with Crime No.120 of 2003 of Pedapadu Police Station.”

D.S.R.VARMA, J

11TH MARCH 2005

ISN

ASSISTANT REGISTRAR

To

1. The Deputy Superintendent of Police, Eluru, West Godavari District.
2. The Sub Inspector of Police, Pedapadu Police Station, West Godavari District.
3. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).
4. Two CD copies

THE HON'BLE SRI JUSTICE D.S.R.VARMA

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